

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-30 are pending in the application, with claims 1, 18, 21 and 24 being the independent claims. Claims 1 and 24 are sought to be amended. Support for the amendment to claim 1 may be found, for example, at paragraph [0037] of the specification. Support for the amendment to claim 24 may be found, for example, at paragraph [0032]. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claims 24 and 25 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 7,281,220 to Rashkovskiy (“Rashkovskiy”). For the reasons set forth below, Applicants respectfully traverse.

Independent claim 24, as amended herein, is directed to a video selection canvas for display on a video display device. The video selection canvas comprises:

- a video selection field for displaying a list of selectable video entry rows, wherein each selectable video entry row includes a video thumbnail and associated text information identifying the video thumbnail;

- a header field for displaying a user identifier, wherein the user identifier is associated with user preference information that includes information related to a user’s favorite channels; and

- an advertising field for displaying video advertisements;

- wherein the video advertisements are targeted to a current user of the channel selection canvas based on user preference information

associated with the current user, the user preference information including information related to the current user's favorite channels;  
wherein the current user is identified by a user identifier.

Rashkovskiy does not teach or suggest each and every one of the foregoing features of claim 24. For example, as will be explained below, Rashkovskiy does not teach or suggest at least an "advertising field for displaying video advertisements" that "are targeted to a current user of the channel selection canvas based on user preference information associated with the current user, the user preference information including information related to the current user's favorite channels."

Rashkovskiy describes a streaming video programming guide that purportedly facilitates viewing of streaming videos. The streaming video programming guide of Rashkovskiy allows a user to select and view a plurality of representations of streaming video files, which are "collected automatically by a search engine that automatically and periodically searches the Internet." *See* Rashkovskiy, column 1, lines 54-59.

Specifically, a user may search the Internet for streaming video files of interest via a keyword search. Streaming video files that satisfy the user's search criteria are located and identified in a graphical user interface using video thumbnail frames, as illustrated in FIG. 1 of Rashkovskiy. *See* Rashkovskiy, column 1, lines 63-67.

The Examiner equates the video thumbnails illustrated in FIG. 1 of Rashkovskiy with the "advertising field for displaying video advertisements" as recited in claim 24. However, these are not equivalent. Rashkovskiy does **not** disclose that the video thumbnails are in any way used for the display of advertisements. In fact the terms "advertisement" and "advertising" are never mentioned in Rashkovskiy.

In the event that the Examiner maintains the rejection of independent claim 24 under 35 U.S.C. § 102(e), Applicants respectfully request that the Examiner, in the interests of compact prosecution, identify on the record and with specificity sufficient to support the rejection, where in Rashkovskiy an advertising field is disclosed for displaying video advertisements. Currently, the Examiner has failed to identify where such a teaching is to be found.

Still further, even if we assume for the sake of argument that Rashkovskiy teaches of an advertising field for displaying video advertisements, Rashkovskiy still fails to teach or suggest displaying advertisements that are targeted to a current user **based on the current user's preference information**, as claim 24 further recites. As set forth in the specification of the present application:

For example, if a user selected ESPN as one of the channels that he wanted to include in his channel selection field, a channel selection canvas generator could store a small set of video advertisements appearing on that channel and then play those ads in advertisement field 160 when channel selection canvas 100 was used. In this way, the ads are more likely to be of interested to the user. Alternatively, further customization could occur such that based on user preferences and header information within an advertisement, ads targeted to a user profile are displayed in advertisement field 160.

*See* Specification, paragraph [0032]. Rashkovskiy does not provide such a teaching—either expressly or inherently—nor does the Examiner provide any indication as to where such a teaching may be found.

For at least these reasons, Rashkovskiy cannot anticipate claim 24. Dependent claim 25 is similarly not anticipated by Rashkovskiy for the same reasons as independent claim 24, from which it depends, and further in view of its own respective features.

Accordingly, Applicants respectfully request the rejection of claims 24 and 25 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 103***

The Examiner has rejected claims 1-9, 11, 12, 15, 16, 18-23 and 26-29 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,456,334 to Duhault (“Duhault”) in view of Rashkovskiy. For the reasons set forth below, Applicants respectfully traverse.

**Claims 1-9, 11, 12, 15 and 16**

Independent claim 1, as amended herein, is directed to a channel selection canvas for display on a video display device. The channel selection canvas comprises:

- a channel selection field for displaying a plurality of television channel video thumbnails;

- a plurality of optional video selection fields for integrating the display of ancillary video thumbnails from multiple sources, wherein the television channel video thumbnails and the ancillary video thumbnails are from different sources; and

- a header field for displaying general information based on a current condition.

The combination of Duhault and Rashkovskiy fails to teach or suggest each and every one of the foregoing features of claim 1. For example, Duhault and Rashkovskiy, alone or in combination, fail to teach or suggest at least “a plurality of optional video selection fields for integrating the display of ancillary video thumbnails from **multiple sources**, wherein the television channel video thumbnails and the ancillary video thumbnails are from **different sources**.” (emphasis added).

Duhault describes a method and system for displaying multiple channels within a window. *See* Duhault, col. 1, lines 65-67. The purported benefits of the method and system described in Duhault include the “flexibility to monitor multiple programs at one time,” with the further “flexibility of a scalable window” to view the multiple programs within. *See* Duhault, col. 3, lines 42-48. Duhault employs the use of a first and second tuner in order to achieve these purported benefits. Each tuner is capable of receiving and providing a selected channel, or group of channels, from the **same** source, to a display device (i.e., both tuners receive the same signal and are therefore able to display the same channels).

For example, Duhault describes the situation where “tuner 2” is dedicated to the full-motion-video of a selected channel, and “in some implementations this will require the second tuner to dedicate all of its bandwidth to the full-motion-video and suspend updates” to other channels that were previously being updated by “tuner 2”. *See* Duhault, col. 4, lines 12-21. Duhault further states that, in this instance, the channels with suspended updates will “either remain static, i.e., not be refreshed, or be updated by tuner 1.” *See* Duhault, col. 4, lines 21-24. Clearly, in order for “tuner 1” to update channels previously updated by “tuner 2”, both tuners must receive the **same** source or signal. The tuners of Duhault tune to various channels, i.e. band-limited portions, within the same source or signal.

In contrast to the teachings of Duhault, claim 1 recites “a plurality of optional video selection fields for integrating the display of ancillary video thumbnails from **multiple sources**, wherein the television channel video thumbnails and the ancillary video thumbnails are from **different sources**.” (emphasis added). Duhault does not

explicitly teach or suggest the display of video from multiple sources. At most Duhault describes the use of two tuners that receive the **same** signal and tune to various channels, i.e. band-limited portions, within the same signal.

The Examiner, in light of the above, specifically cites to column 3, lines 6-9 of Duhault as allegedly teaching the above noted feature of claim 1. The portion of Duhault specifically cited by the Examiner states:

In addition to traditional television channels, the video images can represent analog or digital signals received from satellites, cable networks, **or** digitally across the Internet, **or** other on-demand video type devices.

(emphasis added). From the above cited portion it is clear that Duhault does not contemplate that the video images can represent signals received from satellites, cable networks, **and** the Internet. Rather, Duhault provides these video image sources as alternatives to each other, hence the use of the alternative language “**or**”. This is in complete contrast to claim 1, which recites “a plurality of optional video selection fields for **integrating** the display of ancillary video thumbnails from **multiple sources**, wherein the television channel video thumbnails and the ancillary video thumbnails are from **different sources**.” Duhault does not **integrate** the display of video images from multiple sources, but merely allows video images from one source **or** another to be displayed on an individual basis.

Furthermore, as noted above, Duhault provides no mechanism that allows for the reception and integration of video images from multiple sources. Duhault at most provides two, separate tuners that receive the **same** signal. Therefore, Duhault cannot possibly teach or suggest the integrated display of video images from multiple sources, as claim 1 recites.

Rashkovskiy does not cure the deficiencies of Duhault described above, nor does the Office Action allege this. Thus, the combination of Duhault and Rashkovskiy cannot render claim 1 obvious for at least the reasons noted above. Dependent claims 2-9, 11, 12, 15, 16 and 26-29 are similarly not rendered obvious by the combination of Duhault and Rashkovskiy for the same reason as claim 1, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 2-9, 11, 12, 15, 16 and 26-29 under 35 U.S.C. § 103 (a) be reconsidered and withdrawn.

**Claims 18-23 and 26-29**

Independent claims 18 and 21 both recite the use of user preference information that “includes a user’s favorite channels **for a given time period.**” (emphasis added). The combination of Duhault and Rashkovskiy fails to teach or suggest at least this feature of claims 18 and 21. In fact, on page 6 of the present Office Action, the Examiner explicitly agrees that Duhault fails to teach or suggest this feature. However, the Examiner contends that Rashkovskiy provides this missing feature. Specifically the Examiner states that “Rashkovskiy teaches user’s favorite channels as claimed (as evidence see Rashkovskiy at col. 2 lines 4-15, Fig. 1, col. 3 lines 1-3).” *See* present Office Action, page 6. The Examiner further states, in the “Response to Arguments” section of the present Office Action, that “Rashkovskiy’s disclosure clearly includes a user’s favorite channels **for a given time period**, the Applicant is advised to review again FIG. 1 of Rashkovskiy and col. 2 line 3-22, specifically col. 2 line 22.” (emphasis in the original). *See* present Office Action, page 8.

Applicants have again fully reviewed the disclosure of Rashkovskiy and respectfully submit that the Examiner is misinterpreting the disclosure of Rashkovskiy. As noted above, FIG. 1 of Rashkovskiy illustrates a streaming video programming guide that purportedly facilitates viewing of streaming videos. Streaming video files that satisfy a user's search criteria are located and identified in the streaming video programming guide using video thumbnail frames. *See* Rashkovskiy, column 1, lines 63-67. Each video thumbnail displayed further includes "quantitative information 24 about the streaming video" such as the video file format and duration. *See* Rashkovskiy, column 2, lines 18-22. Rashkovskiy specifically describes the quantitative information associated with thumbnail frame 18 illustrated in FIG. 1, which provides that thumbnail frame 18 "is in a 240x180 pixel format and lasts for twenty-eight seconds." *Id.*

The Examiner appears to equate the duration information provided by the streaming video programming guide of Rashkovskiy with user preference information that "includes a user's favorite channels **for a given time period**," as recited by claims 18 and 21. (emphasis added). Applicants respectfully disagree. As set forth in the specification of the present application:

User preferences can also have a time of day or location component. For example, a user may have three pre-set channel selection canvases, such that if he turns of the television in the morning a channel selection canvas may come up that shows User Mike's favorite morning TV channels—perhaps the NBC, CNN and CNBC. Alternatively, if User Mike turns on the television during the mid-day, a channel selection canvas may come up that shows his favorite channels for afternoon soap operas, talk shows or cartoons, such as NBC, CSPAN and Nickelodeon. And, finally channel selection canvas 200 can come up if he turns on the TV in the evening.



*See* Specification, paragraph [0035]. The duration of a video is in no way equivalent or comparable to a user's favorite channels for a given time period, such as the morning, mid-day or evening time periods.

To help elucidate this distinction claims 18 and 21 recite, in more general terms, a user's favorite channels **that are intended to be used in connection with a given time period** (i.e., for a given time period). Rashkovskiy does not teach or suggest any user channel's **that are to be used in connection with the duration of a video**, such as the duration information associated with thumbnail frame 18 in FIG. 1 of Rashkovskiy. In fact, Applicants submit that Rashkovskiy cannot provide such a teaching, since the duration of time in which a video lasts is associated with at most the **single**, particular video it quantifies. Consequently, there is no way the duration information disclosed in Rashkovskiy can represent a given time period associated with a user's favorite **channels**, as claims 18 and 21 recite.

For at least the reasons provided above, the combination of Duhault and Rashkovskiy cannot render claims 18 and 21 obvious. Dependent claims 19, 20, 22 and 23 are similarly not rendered obvious by the combination of Duhault and Rashkovskiy for the same reason as claims 18 and 21, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 18-23 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Claims 10, 13, 14 and 17**

The Examiner has rejected claims 10, 13, 14 and 17 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Duhault in view of Raskovskiy, and in further view of

the Background of the instant application. For the reasons set forth below, Applicants respectfully traverse.

Without acquiescing to the propriety of the rejection, Applicants submit that the Background of the instant application does not cure the deficiencies of Duhault and Raskovskiyy with respect to independent claim 1, as noted above. Dependent claims 10, 13, 14 and 17 are similarly not rendered obvious by the combination of Duhault, Raskovskiyy and the Background of the instant application for the same reason as claim 1, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 10, 13, 14 and 17 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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